



Town of Barnstable
Planning Board
Minutes
January 27, 2014

BARNSTABLE TOWN CLERK

2014 FEB 25 PM 1:02

Matthew Teague – Chairman	Present
Paul Curley – Vice Chairman	Present
Stephen Helman - Clerk	Present
Felicia Penn	Present
Raymond Lang	Present
David Munsell	Present
Patrick Princi	Present

Also in attendance were Art Traczyk, Regulatory Review Planner, and Jo Anne Miller Buntich, Director, Growth Management Dept.

Regulatory Agreement: **7:00 PM Continued Hearing - Regulatory Agreement No. 2013- 03**
Hyannis Harbor Suites Hotel, LLC/Nominee & Harborview Hotel Investors, LLC

Regulatory Agreement No. 2013-03 is the application of Hyannis Harbor Suites Hotel, LLC or Nominee & Harborview Hotel Investors, LLC, seeking to enter into an agreement with the Town of Barnstable to construct and operate at 213 Ocean Street, Hyannis, MA a new four (4) story year-round hotel with up to sixty-eight (68) rooms, each room containing its own kitchen facility. This proposed hotel building is in addition to the existing 136 room Hyannis Harbor Hotel situated on the 3.4 acre lot. The subject property is located in the HD-Harbor District of the Hyannis Village Zoning Districts and is shown on Assessor's Map 326, Parcel 035.

The Regulatory Agreement seeks waivers from the Barnstable Zoning Ordinances, specifically:

Section 240-24.1.7.A – Harbor District, Permitted uses to allow hotel rooms with kitchens.

Section 240-24.1.7.C – Harbor District, Dimensional, bulk and other requirements, including maximum building height, to allow 4-stories where only a 2.5 story buildings are permitted, waivers of the 10-foot minimum side and rear setbacks, waiver of the 70% maximum lot coverage and waiver of the 10-foot front yard landscape setback.

Section 240-24.1.10 - Site Development Standards and Section 240-53 – Landscape Requirements for Parking Lots, including waivers from the following; the 6-foot minimum setback for parking lots, 10% interior parking lot landscaping, required minimum number of trees, dumpster setback from lot line and any other necessary relief.

Section 240-56 - Schedule of Off-Street Parking Requirements to allow a reduction in the required on-site parking.

In addition, the Regulatory Agreement seeks relief from the general ordinances of the Town, Chapter 112, Article III, Hyannis Main Street Waterfront Historic District seeking the Planning Board to act on behalf of the Hyannis Main Street Waterfront Historic District Commission.

- *Opened April 8, 2013, continued June 10, 2013, July 22, 2013, August 12, 2013, August 26, 2013, September 23, 2013, October 28, 2013, November 11, 2013, November 25, 2013, December 9, 2013,*

January 13, 2014 and to January 27, 2014 - Continued for further review of the Draft Regulatory Agreement incorporating comments and understandings agreed to at the December 9, 2013, review.

Attorney Michael Ford in attendance. He gives a brief history. He makes reference to draft copy of Regulatory Agreement, pg. 4, paragraph item number 2 (Exhibit A), this information is still being put together, he does not have it available tonight.

Felicia Penn makes reference to draft Reg. Agreement, pg. 3, paragraph 1.a, 5th line (Exhibit A).

"In addition to the 68 rooms, the Hotel will also contain a fitness center and lobby." She asks if it can be stated "for guest use only?" to read: In addition to the 68 rooms, the Hotel will also contain a fitness center and lobby for hotel guest use only.

Attorney Ford replies that he has no problem with that addition.

Felicia Penn makes reference to draft Reg. Agreement, pg. 3, paragraph 1. b, section iii, line 4, "Parking requirements-relief to be further detailed going forward" She asks if this refers to the bulleted items below this phrase? It seems that there is something missing in this sentence.

Attorney Ford suggests that they will strike this: ~~Parking requirements relief to be further detailed going forward~~

Felicia Penn asks when will the information be made available in reference to the Reg. Agreement, pg. 4, paragraph item number 2?

Attorney Ford replies that if they get the recommended vote by the Planning Board then this information could be made contingent before it goes to Town Council.

Felicia Penn, refers to draft Reg. Agreement, pg. 5, item No. 8, Lighting. There needs to be some guidelines, more specified information for this, lighting plan.

Felicia Penn refers to draft Reg. Agreement, pg. 5, item no. 10, Stormwater management (Exhibit A). Is there a separate plan for the lot on Nantucket Street?

Matt Teague suggests a statement be made as follows: "Prior to building permit issuance, the Applicant agrees to submit drainage calculation plans for Staff review."

Attorney Ford answers that is acceptable and there will be a plan filed with the Town for this.

Felicia Penn refers to draft Reg. Agreement, pg. 5, No. 12, Dumpster (Exhibit A). Can a time be stipulated for no trash/dumpster pick-up between 10 p.m. and 7 a.m.?

Attorney Ford replies/asks if this time flexibility could be left up to the owners? They are aware of this due to the fact that they will have guests here.

Felicia Penn refers to draft Reg. Agreement, pg. 7, iii, (Exhibit A). She confirms/clarifies that this is a repeat of the previous pg. 3, paragraph that they discussed would be deleted.

Paul Curley asks what was decided about the \$150,000 mitigation? Where are we with this? He is dead set against impact fees if not designed by a formula.

Paul Curley directs to JoAnne Buntich, he asks if this is a politically sensitive issue?

JoAnne Buntich replies yes.

Ray Lang asks if the height of the building includes the flood zone increase?

Attorney Ford answers yes.

Ray Lang asks about parking requirements can we add "except for required parking"?

Attorney Ford refers to the draft Reg. Agreement, pg. 1, 3rd paragraph, line no. 6 (Exhibit A); "Collectively, the two parcels are referred to herein as the Property; For purposes of this Regulatory Agreement, the "Property" does not include the existing hotel building and its operations currently located at 213 Ocean Street, but does include all

of the land shown on the parcels referenced herein the Applicant desires to develop the Property pursuant to this Regulatory Agreement”

David Munsell refers to the draft Reg. Agreement, pg. 4, no. 3, mitigation, he doesn't always agree with this and how it would prevent/effect potential people from coming in and doing future projects.

Patrick Princi comments that he likes the project. Things are done right. He feels that the mitigation is part of this process, there are a lot of requests being made. He asks for clarification about the phasing in of the mitigation.

Attorney Ford replies/refers to draft Reg. Agreement, pg. 4, paragraph 3, “The Applicant shall be required to pay \$150,000 as follows: \$30,000 upon issuance of occupancy permit; and \$30,000 each year thereafter for the next four (4) years.”

JoAnne Buntich clarifies the edits/changes to be made to the draft Reg. Agreement (Exhibit A) as follows:

Item No.1, pg. 3, line 5, after the word “lobby” insert “ for hotel guest use only”

Item No. 1, pg. 3, b. iii, line 4, strike ~~Parking requirements-relief to be further detailed going forward~~

Item No. 2, pg. 4, that the Applicant will provide this information as soon as possible, but not to go to Town Council until this information is provided.

Item No. 8, pg. 5, Lighting; Applicant provide a lighting plan for Staff review prior to issuance of a building permit.

Item No. 10, pg. 5, Stormwater management; Applicant provide a plan for Staff review prior to issuance of a building permit.

Item No. 12, pg. 5, “shall be screened in conformance with.. (see town code Section 240-24.1.10)”

Item 21, pg. 7, iii; strike ~~Parking requirements-relief to be further detailed going forward~~

JoAnne Buntich mentions that the form of the edited language may change a bit after conferring with the Town Attorney, the form of it, to make sure it is correct.

Ray Lang comments/suggests using mitigation money for the harbor front specifically.

Matt Teague makes comment that it is the purview of the Town Council to see that monies are applied to the best uses.

JoAnne Buntich explains to Ray Lang the concept of rational nexus; any monies collected in this way (through a contract process) need to be expended on a project that has a connection to the overall impact of the project.

Matt Teague entertains a motion to recommend adoption of this Regulatory Agreement as modified, to Town Council, moved by Ray Lang, seconded by Stephen Helman, so voted unanimously.

Discussion: **Renewal of Location Hardship Sign Special Permits - For Café Gelato, Red Fish Blue Fish, Cape Cod Tours Inc. - Staff Report enclosed**

Art Traczyk gives a brief description of the 3 Hardship Sign renewals and how they can be renewed administratively. There are no issues with these signs, having checked with the Building Dept.

Patrick Princi asks if we are required to place a legal notice?

Art Traczyk answers only if there is/was an issue/problem. There haven't been any.

Felicia Penn moves to allow administrative renewal for all three location hardship signs, seconded by Paul Curley, so voted unanimously.

Future Meetings: Regularly Scheduled Meetings: February 10 and 24, 2014 @ 7:00 PM.

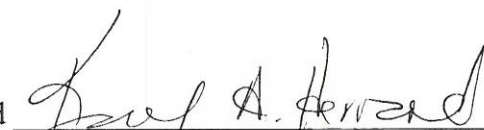
Matt Teague mentions the Joint Public Hearing with Town Council on February 6, 2014.

Felicia Penn states that she will not be able to attend the Joint Public Hearing with Town Council on this date. Art Traczyk mentions canceling the February 10th, 2014, meeting seeing as there are no items on the Agenda. Matt Teague entertains a motion to cancel the February 10, 2014, meeting, moved by Paul Curley, so voted unanimously.

Matt Teague entertains a motion to adjourn, moved and seconded by Stephen Helman, so voted unanimously.

Meeting adjourned at 7:29 p.m.

Respectfully Submitted



by Karen A. Herrand, Principal Assistant, Planning Board

Approved by vote of the Board on

February 24, 2014

Further detail may be obtained by viewing the video via Channel 18 on demand at
<http://www.town.barnstable.ma.us>

List of Exhibit Documents

Exhibit A – Draft Regulatory Agreement, dated December 2, 2013 – File Reg. Agreement No. 2013-03, Hyannis Harbor Hotel, LLC

APPROVED